

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

VINCENT DANIEL HOPPER, a/k/a
ANTOLIN ANDREW MARKS,

Plaintiff,

v.

G. WIGEN, *et al.*,

Defendants.

Case No. C05-5662 FDB/KLS

ORDER VACATING ORDER
DENYING MOTION TO REOPEN
CASE

This civil rights action has been referred to United States Magistrate Judge Karen L. Strombom pursuant to Title 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. By Order dated May 14, 2007, the undersigned denied Plaintiff's motion to reopen case (Dkt. # 42) on the grounds that there is no action pending before the Court and, therefore, if Plaintiff seeks injunctive relief against Defendants, he must pursue it in a separate civil action. (Dkt. # 43). On June 9, 2006, this matter was dismissed without prejudice, pursuant to Fed. R. Civ. P. Rule 41(a)(1). (Dkt. # 33). The dismissal was based on Plaintiff's notification to the Court that he no longer wished to pursue this action because the conduct on which he based his complaint had ceased and he had suffered no

1 compensable injury. (Dkt. 21). Judgment in favor of Defendants was entered on June 9, 2006 (Dkt. #
2 34) and the case was administratively closed on June 19, 2006.

3 The Court now vacates its Order (Dkt. # 43) and shall re-note it as a Report and
4 Recommendation for consideration by the District Court. Plaintiff's motion for an order to show
5 cause directed to Defendant Melendez (Dkt. # 44) shall also be recommended for dismissal.
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7 ACCORDINGLY, IT IS ORDERED:

8 The Court's Order denying Plaintiff's motion to reopen (Dkt. # 43) is **VACATED**. The
9 Court's Order will be re-noted as a Report and Recommendation. The Clerk is directed to send
10 copies of this Order to Plaintiff and to counsel for Defendants.
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12 DATED this 18th day of June, 2007.

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15 Karen L. Strombom
16 United States Magistrate Judge
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